

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	CASE NO. 2:23-mj-363
Plaintiff,	:	
v.	:	MAGISTRATE JUDGE VASCURA
	:	
BRINSON CALEB SILVER,	:	
	:	
Defendant.	:	

**MOTION OF THE UNITED STATES FOR
REVIEW AND REVOCATION OF RELEASE ORDER**

The United States seeks review and revocation of the Order of Release issued by Magistrate Judge Vascura in this case on June 23, 2023, and moves the Court for an extension of the current 24-hour stay of Defendant Brinson Caleb Silver's release. Silver, who is facing criminal contempt charges, is a major flight risk. He has flagrantly violated several orders of this Court in a civil case; he has hidden assets from the Court; and he has taken concrete steps toward a plan to move millions of dollars of assets abroad and obtain citizenship in a country where he will not be subject to extradition. Under 18 U.S.C. § 3142(e), the United States has shown by a preponderance of the evidence that there are no conditions the Court can impose that would reasonably assure Silver's appearance.

On June 14, 2023, Silver was charged by complaint with Criminal Contempt, in violation of 18 U.S.C. § 401(3). (Complaint, R.1.) As the Complaint explains, Silver is a defendant in a civil case in this Court (*Root et al. v. Silver et al.*, 2:23-cv-512), in which he is accused of defrauding his former employer of more than \$9 million. (*Id.* ¶¶ 3-4.) As the civil case progressed, the Court entered an Agreed Preliminary Injunction, followed by several additional orders, including that Silver attend a hearing on May 9, 2023. (*Id.* ¶¶ 5-8.) Silver violated the PI by spending in excess of limits imposed by the Court, and he violated the order to appear, even

though he was given six days' notice that an arrest warrant would issue if he failed to appear. (*See id.* ¶¶ 13-17.) Silver was also ordered to disclose his assets to a Court-appointed receiver, and he was subsequently determined to have failed to disclose a property worth more than \$1.8 million. (*See id.* ¶¶ 22-26.) (He is currently being held in custody indefinitely for civil contempt for additional failures to comply with Court orders to disclose his assets.)

The Complaint also described two recorded phone calls from around January 23, 2023, between Silver and a company called Nomad Capitalist, which describes itself as a consulting firm providing assistance on topics such as “international relocation” and “global citizenship.” (*Id.* ¶ 27.) In the calls, Silver explains that he wants (1) to quickly obtain citizenship in a country that would not extradite him to the United States, and (2) to move \$4-10 million from the United States abroad where it could not be found or seized by the United States. He paid \$75,000 to the company to assist him in carrying out this plan, though the deal fell through and the funds were returned to him. (*See id.* ¶ 28.)

Silver was arrested on the Complaint in Columbus, Ohio on June 20, 2023, and the same day he made his initial appearance and was ordered detained pending a detention hearing. That hearing was held June 23, 2023. The United States proffered evidence from the Complaint and the Nomad Capitalist recorded calls, entering a portion of a call into the record, in which he explained his desire to live abroad free from extradition to the United States, but with unrestrained access to his funds. Magistrate Judge Vascura, calling her decision an “incredibly close call,” found that she could impose conditions that would reasonably assure Silver’s appearance, including the imposition of a \$1 million bond, GPS monitoring, and home detention. The United States sought and was granted a stay of the release order (which was also stayed for the instatement of GPS monitoring) pending this motion.

Given the evidence presented of Silver's disregard for court orders, his penchant for hiding assets, and his stated intention and efforts to move assets abroad and avoid extradition, the United States has met its burden to prove by a preponderance of the evidence that no conditions of release will assure his appearance. If Silver is released, even on strict conditions, there is a strong possibility that he has stowed away the resources needed to carry out his escape plan and will disappear permanently.

For these reasons, the United States seeks review and revocation of the Order of Release issued by Magistrate Judge Vascura in this case on June 23, 2023, and moves the Court for an extension of the current 24-hour stay of Silver's release in the meantime.

Respectfully submitted,

KENNETH L. PARKER
United States Attorney

s/ David J. Twombly

DAVID J. TWOMBLY (92558)
PETER K. GLENN-APPLEGATE (88708)
Assistant United States Attorney
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215
O: (614) 469-5715 / F: (614) 469-5653
Email: david.twombly@usdoj.gov
peter.glenn-applegate@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically served via the Court's CM/ECF system this 23rd day of June, 2023, upon counsel of record for Defendant Silver.

s/ David J. Twombly

DAVID J. TWOMBLY (92558)

Assistant United States Attorney